



INTERNATIONAL SOCIAL SERVICE

United States of America Branch, Inc.

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700 Light Street, Baltimore, MD 21230-3850 Tel: (410) 230-2734 Fax: (410) 230-2741 www.iss-usa.org

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U.S. Department of State
CA/OCS/PRI
Adoption Regulations Docket Room, SA-29
2201 C Street, NW
Washington, DC 20521

Ref: Docket No. State/AR-01/98

Dear Colleagues:

International Social Service – USA Branch applauds the extremely thorough work that went into the development of proposed rules related to 22 CFR Parts 96 and 98. We offer the following comments for your consideration.

Background

The network of over 140 agencies around the world which comprise the International Social Service federation has been providing intercountry social work services to children and their families since its founding in 1924. A wide array of services are provided to more than 25,000 households each year. Adoption services have been a core service throughout the last eight decades. At the outset, adoption assistance was provided primarily to extended family members seeking to provide permanent homes for orphaned relatives across international boundaries. ISS' approach to intercountry adoption changed dramatically to respond to the thousands of children orphaned by World War II, the Korean Conflict, the Vietnam War and more recently to respond to the thousands of children who await permanent homes in orphanages around the world. Over the decades we have witnessed the evolution of standards and practice along with a deepening commitment to protecting the rights of adoptive children, birth and adoptive parents.

In addition to the adoption services and support that are provided by national branches within the federation, ISS has been active on the international stage in advocating for policies and operational mechanisms to protect the best interests of the child in intercountry adoption. The views we articulate are offered from the context of our work

within this international system of partners who have enriched our work over the years with their specific national perspectives. While we recognize that the United States is by far the largest country of destination for children adopted internationally, we are aware of the significant professional expertise that has developed abroad which we hope will continue to inform the development of adoption policy and practice at home.

Accolades for the Process

ISS-USA applauds the Department of State for the process it designed and followed to secure substantive comments from diverse interests. Beginning with retention of expert consultants via your subcontractor Acton Burnell through today, the Department has repeatedly demonstrated its commitment to a transparent process, informed by careful analysis, expert opinion and best practice. We believe the Department has succeeded in crafting standards that protect the best interests of children and their birth and adoptive parents while balancing widely divergent and seemingly irreconcilable views. We congratulate the Department for the highly respected and unquestionably qualified team it assigned to work on the regulations. Their expertise and thoughtful deliberation is reflected in the quality and thoroughness of the regulations. The commitment of the Department of State to a transparent process is confirmed through the multiple opportunities for written and oral comments.

Accolades for the Regulations

Subpart B "Selection Designation and Duties of Accrediting Entities." We applaud the multiple provisions that have been crafted to respond to the input provided that address the concerns of smaller adoption agencies. The design of the accreditation system promotes professionalization without threatening the survivability of small agencies. Particularly helpful are the following subsections:

Subsection 96.4, allowing multiple accrediting entities, addresses the concerns articulated by adoption agencies that are worried that a single accreditation body might favor larger agencies.

Subsection 96.8 (1) requiring that the proposed schedule of fees reflects appropriate consideration of the relative size and geographic location and volume of Convention cases.

Subsection 96.10 enabling the suspension or cancellation of the designation of the accrediting entity if the Secretary concludes that it is substantially out of compliance with the Convention, the IAA, other applicable laws or the Agreement with the Secretary.

Subsection 96.19 (a) establishing a transitional application deadline and **Subsection 96.19 (b)** requiring that the acquiring entity must use its best efforts to provide a reasonable opportunity for an agency or a person that applies by the

transitional application deadline to complete the accreditation process by the deadline for initial accreditation or approval.

Subsection 96.20 (G) requiring that the accrediting entity must establish and follow uniform application procedures ensures "a level playing field."

We heartily endorse **Subpart F** Standards for Convention Accreditation and Approval, **Sections 96.30** State Licensing, **96.31** Corporation Structure, **96.32** Internal Structure and Oversight, **96.33** Budget, Audit, Insurance and Risk Assessment Requirements (except paragraph (e) as noted below), and **96.34** Compensation, which taken as a whole will ensure their legitimacy and that agencies are structured, overseen and supported in a manner that promotes their professionalism, solvency and capacity to provide high quality adoption services.

We applaud **Subsection 96.35** Suitability of Agencies and Persons to Provide Adoption Services Consistent with the Convention for upholding high ethical practices and for articulating that intercountry adoptions take place in the best interests of children. Further, we believe that the implementation of the standards will go a long way to prevent the abduction, exploitation, sale or trafficking of children in Hague Convention countries. Likewise, we believe **Subsection 96.36** Prohibition on Child Buying will thwart coercion or inducement of the birth mother to terminate her parental rights.

Section 96.37 allows for social service personnel who perform adoption services (as supervisors or non-supervisory employees) and/or home studies, to have a range of educational backgrounds. We are pleased to see this option, as it will enable more agencies/workers in remote areas to provide these services, despite a potential scarcity of Master's prepared social workers.

Recommendations Regarding Refinements

The following recommendations are offered to further refine the regulations:

Section 96.33 (e) requires maintenance of sufficient cash reserves or other financial resources to meet its operating expenses for three months. We recommend that this be revised to require "maintenance of sufficient cash reserves or other financial resources to meet its operating expenses related to intercountry adoption for three months."

Section 96.38 "Training Requirements for Social Service Personnel." We recommend adding a provision for training on "ethical considerations in inter-country adoption" to sections a, b, and c.

Section 96.42 "Retention, Preservation, and Disclosure of Adoption Records." We recommend clarifying in paragraph f that the State law that will be applicable will be that of the State in which the involved agency or person is physically located.

Section 96.49 "Provision of Medical and Social Information in Incoming Cases." We recognize that there are a wide variety of scenarios that complicate access to complete

medical histories, but we applaud the emphasis that the Department has placed on adoption providers, securing and providing this information to prospective adoptive parents *to the fullest extent practical*. During the 2001 public meetings which informed the development of the proposed regulations, we heard poignant testimony about the tragedies befalling adoptive families which had no or limited access to medical information about the adoptive child. The disclosure of medical information standards contained in the proposed regulations recognize the essential nature of this information and the right of the adoptive parents and the adopted person to have access to health information about the biological family. Access to accurate and comprehensive information about adoptees' origins is essential. Scientific advances have made genetic information and health information a prerequisite to receiving optimal health care.

Sections 96.53-57 Overall, the provisions for emigrating children are not as specific as those for immigrating children. The following recommendations are designed to bring this section in line with rules for children immigrating into the U.S.

We recommend adding to 96.53 (a) that the child's background study should also include a "psychosocial evaluation", as well as "identifying" family history.

We recommend adding to 96.53 (c) (5) that there be pre-placement visiting with the adoptive parent(s) as appropriate to the child's age and circumstance.

We recommend changing 96.53 (d) the child's minimum age from 10 to 12 years when considering his/her wishes. This recommendation is designed to bring the child's age in line with the age generally considered by state courts that address custodial matters.

We recommend 96.54 (a) (2) changing to "at least 60 days after the birth of the child or the child's parental rights have been terminated, whichever is later." This recommendation is designed to avoid a rush to place outside of the country and to allow sufficient time to list the child on a state or national exchange and to identify prospective adoptive parents in the U.S.

We recommend adding to 96.54 (f): "Agencies that facilitate adoptions of children in the United States should ensure that the home studies on prospective adoptive parents cover the prospective adoptive parents' identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an inter-country adoption, and the characteristics of the children for whom they are qualified to care."

We recommend ensuring that 96.54 contains a reference to the need to provide the prospective adoptive parents with a copy of the medical record of the child prior to the adoption, along with contact information on the physician who performed the assessment." (The standard regarding medical records for emigrating children should not be less than it is for immigrating adoptees.)

We recommend ensuring that 96.54 contains a requirement for the agencies involved in the adoption to include in the contract a provision for ensuring that the adoption

agency will be informed if the adoption is disrupted, and an agreement as to who will arrange and pay for the child to return to the US if the Secretary determines this is in the best interests of the child following a disrupted adoption.

Section 96.69 "Filing of complaints against accredited agencies and approved persons." We recommend that language be added to paragraph b to allow "interested parties" to report complaints directly to the Secretary. Agencies such as ours are likely to be aware of problematic trends in adoption practices related to specific agencies and should have a source to which to express these concerns.

Conclusion

In closing, we note our appreciation for the open and deliberative process that the Department has pursued since passage of the Intercountry Adoption Act in 2000 and the multiple opportunities it has provided to the public to inform 22 CFR Parts 96 and 98. We appreciate having the opportunity to submit the above comments.

In addition, we would like to use this opportunity to submit a recommendation for the Department of State's consideration relative to additional efforts it might take to advance intercountry adoption practices.

ISS- USA recommends that the Department of State implement a mechanism to address the ongoing educational needs of professionals and consumers involved in international adoption as they seek to meet and fulfill regulations of the IAA. This Central Authority sponsored training and educational activity would:

- Stimulate research in international adoption
- Collate and disseminate research on the ongoing development of "best practice"
- Develop a technical assistance capacity that would promote uniform training on areas relevant to disciplines providing adoption services included but not limited to social workers, attorneys, psychologists serving the adoption community
- Develop a technical assistance capacity that provides community outreach to prospective adoptive parents, birth parents and adoptees with the goal of disseminating information regarding Hague regulations.

Stimulating the development of the international adoption field would provide the foundation for ensuring that adoption service professionals and consumers remain highly trained and informed, ultimately further protecting the best interest of children.

Again, thank you for your consideration.

Sincerely,


Joanne Selinske
Director

International Resource Centre for the Protection of Children in Adoption

International Social
Service
(ISS/IRC)
32, quai du Seujet
1201 Geneva –
Switzerland



Tel. : +41 22 906.77.09
Fax : +41 22 906.77.01
irc.iss@bluewin.ch
<http://www.iss-ssi.org>

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IRC/ISS News

- **Two new staff members:** The IRC/ISS team is pleased to announce that it is expanding. In addition to Chantal Saclier, the co-ordinator, Isabelle Lammerant, the deputy co-ordinator, Flora Duke, the documentalist, Julie Capewell and Liliana Almenarez, the administrative assistants (mostly working part time), the team can in future count on the co-operation of Laura Martinez-Mora Charlebois and Cécile Maurin, both trilingual jurists (English, French and Spanish) active in the protection of the rights of the child and with a keen interest in the interdisciplinary perspective. Laura, who is both Spanish and Canadian, has done a number of internships with the Council of Europe and the European Commission before serving for three years as a UNICEF consultant on the rights of the child in Chile, where she made a special contribution to the training of professionals in children's questions. Cécile, who is French, has undertaken missions in the field, in support of street children and unaccompanied minors, in NGOs and the courts of several countries in Europe, Mexico and Senegal. She has also just completed an internship with the United Nations High Commission for Refugees at the Refugee Children Unit. Reinforced in this way, the IRC/ISS team hopes to intensify its co-operation with you.

The Hague Convention, 1993 (THC)

Source: Permanent Bureau of The Hague Conference: <http://www.hcch.net/e/status/stat33e.html>

- **South Africa:** On 21 August 2003 South Africa acceded to the THC, which will come into force on 1 December 2003. No central authority has yet been designated.
 - **Belarus:** Belarus, which signed the THC on 10 December 1997, ratified it on 17 July 2003. The Convention will come into force in the country on 1 November 2003. In its statement to mark the ratification, Belarus specifies the internal legal provisions applicable to intercountry adoption. It confines its co-operation in intercountry adoption to States whose competent authorities have reached agreement with Belarus and provided guarantees for the obligatory post-adoption follow-up reports. Belarus has excluded the participation, in the case of adoption of children resident on its territory, of bodies or persons seeking to make a profit. (Art.22.4 and 1 of the THC).
 - **Guatemala:** The substance of the objections raised by Germany, Canada, Spain, the Netherlands and the United Kingdom to Guatemala's accession to the THC (see Bulletin 58-59) was published on the website of The Hague Conference. Some of these objections are of a temporary nature, pending an amendment by Guatemala of its laws, regulations and practices with a view to guaranteeing, in particular, the adoptability of the child, respect for the principle of the best interests of the child and of subsidiarity of adoption, as well as the control of the consent of the parents of origin; Spain proposes in addition the setting up of a co-operative mechanism with Guatemala to assist it in this task.
- The decision of the Constitutional Court of Guatemala on 13 August 2003 declaring the country's accession to the THC unconstitutional (see Bulletin 58-59) was published in the governmental Gazette *Diario de Centro America* on 12 September 2003. Lawyers, apparently involved in the arrangement of intercountry adoptions, had in fact brought charges of unconstitutionality. The Court found in their favour in affirming that, according to the constitution, Guatemala cannot accede to – but only ratify – an international convention. Guatemala is not a member of The Hague Conference and did not

participate in the 17th session of the Conference, which negotiated the THC on adoption; this country, therefore, may only accede to – and not ratify – this Convention (Art. 43-44). In this context it is appropriate to underline that the debate in the Court dealt only with the interpretation of the formalities by means of which Guatemala could become a member of an international convention, and in no way touched upon the best interests of Guatemalan children, the campaign against trafficking, or the importance in this matter of the THC, to which the country's accession was unanimously defended in the Court by government authorities.

At the international level, the depositary of the THC, the Ministry of Foreign Affairs of the Netherlands, transmitted to The Hague Conference on 3 September 2003 an opinion (published on the website of the Conference) according to which, even after the decision of the Constitutional Court of Guatemala, and following the acceptance of Guatemala's valid instrument of accession on 26 November 2002, the THC remains valid in the relations between Guatemala and the other member States which have not raised objections to the accession of Guatemala, and this since 1 March 2003. If they accept this point of view the receiving country members of The Hague Conference should, therefore, refuse to co-operate with Guatemala in the case of adoptions which do not respect the THC. A similar attitude would be adopted even more so towards those who had raised objections to Guatemala's accession, on the basis of the absence of guarantees provided by the current Guatemalan procedure.

In this regard the Central Authority of France advised its nationals against adoption in Guatemala. Moreover it has halted the legal processing of new cases – which can therefore no longer be transmitted to Guatemala – as a result of the suspension of the THC in that country.

In practice, a large number of intercountry adoptions have been officially resumed in Guatemala outside the framework of the THC, including adoptions by notaries (who cannot be considered an accredited "authority" to involve in adoption in the sense of the THC. It is worth recalling that the notarial procedure applicable to children whose parents or legal representatives consent to adoption, as opposed to the judicial procedure for abandoned children or orphans, is to date by far the most frequent and, because of the lack of control by the State, encourages abuse (see Bulletin n°53 and 50-51). Guatemalan lawyers continue to arrange private adoptions, in which they themselves assume the role of matching a child with prospective adopters. Since the Court decision, certain Guatemalan lawyers have gone personally to France to propose to applicant adopters, for large sums of money, to take up their case, in other words to draw up at once the procedural documents, thus making themselves liable for the offence of acting as intermediaries in adoptions that are unauthorised on French soil. On 21 September 2003, moreover, nine Guatemalan babies were found in Costa Rica where they had been brought illegally for their intercountry adoption. Eight people, including six Guatemalans, were arrested on this account.

As a reminder, the Bill to reform adoption by applying the principles of the THC and of the Convention on the Rights of the Child is still before the Guatemalan Congress. Moreover, the law for the full protection of the child and the adolescent of 4 June 2003 (decree 27/2003) was published in the official gazette on 18 July 2003, and entered into force the following day. In its articles 18 to 24 it proclaims the general principles of protection of the child deprived of family: the right to a family; the subsidiarity of the substitution family to the family of origin; and the obligation of the State to support families of origin and to encourage the family reintegration of children who are separated, poverty not constituting a motive for the suspension or the loss of parental authority. Moreover "only the competent authorities can determine that an adoption is admissible" (Art.23). With regard to current procedures for intercountry adoption, one might wonder if the notaries and lawyers constitute such authorities, and if the guarantees of priority for the support of families of origin and the subsidiarity of intercountry adoption are always respected.

In between, during the week end of 11 October 2003, the general Prosecutor for human rights of Guatemala introduced a request at the Constitutional Court, on the provisory suspension of any international adoption and authorisation for adopted children to leave the country. As a reminder, the suspension of intercountry adoptions in order to institute procedures in conformity with the Convention on the Rights of the Child had also been suggested to Guatemala by the United Nations Committee for the Rights of the Child (see Bulletin n° 54). Complementary sources : Unicef-Guatemala ; Casa Alianza ; MAI ; US Department of State ; Department of Health of the United Kingdom ; Enfance et Famille d'adoption – France, Association des parents adoptants d' enfants du Guatemala – France : <http://membres.lycos.fr/apaeag/> ; Joint Council on International Children's Services : <http://www.jcics.org/Guatemala.htm>

Other Convention

- **Council of Europe Convention on personal relations concerning children:** On 24 September 2003 Poland signed the Convention. See Bulletin no 58-59. Source : Council of Europe: <http://conventions.coe.int/Treaty/EN/cadreprincipal.htm>.

Protagonists in matters of adoption

Source : Permanent Bureau of The Hague Conference: <http://www.hcch.net/e/authorities/caadopl.html>

- **Belarus:** Belarus has designated its Central Authority and its Competent Authority, namely The National Center of Adoption, Ministry of Education of the Republic of Belarus, Platonova Street 22, Minsk 220071.
- **Bulgaria/Latvia/ Switzerland:** These countries have updated the details of their Central Authority(ies).
- **Spain:** This country has updated the list of its protagonists.
- **Madagascar:** The Ministry of Malagasy Population provided on 21 August 2003 a list of child reception centres accredited for intercountry adoption. (See Bulletin no. 54) This list is published on the website of the MAI.

Legislation

- **Bulgaria:** The new Code of the Family reflecting the reform of in-country and intercountry adoption announced in the previous Bulletin was published in the official gazette on 15 July 2003, and entered into force the same day. On 16 September Ordinance no 3 of 3 September 2003 "on the conditions and procedure for giving consent for the adoption of a Bulgarian national by a foreigner" (available at the IRC/ISS/ in French and English), and the Statute of the Council for Intercountry Adoption (available at the IRC/ISS in German). A commentary on this collection of documents will appear in the next Bulletin. Sources : Central Authority of Bulgaria : <http://www.mjeli.government.bg/>; The Hague Conference on Private International Law ; ISS-Bulgaria.
- **Ecuador :** The new *Code of Childhood and Adolescence* (Law no.100/2002; available in Spanish at the IRC/ISS) was published in the official register on 3 January 2003 and came into force on 3 July 2003. This Code abrogates the Code of Minors (Law no. 170/1992) as well as all the rules governing its application, notably the general regulation of the Code of Minors no. 711/1995 and the internal regulation for the general programme of adoptions, no.60/1996 (Art.389). The new Code embodies the concept of full and preventive protection of the child and promotes the rights of the child proclaimed in the Constitution and in international conventions (including the THC of 1993 on adoption).

The Code establishes the principles of priority for the support of the family of origin over adoption and the subsidiarity of intercountry adoption to in-country adoption: " *intercountry adoption shall be the exception*". Such was not the case between January 1999 and July 2002 when the number of in-country adoptions and of intercountry adoptions was similar. The Code recalls the full and irrevocable nature of adoption. In the case of indigenous or afro-Ecuadorian children, preference is given to adopters of the same culture. Priority in adoption is given to heterosexual couples (married or not but together for more than 3 years) over adoption by single persons (adoption by other types of couples is thus not authorised) (Art. 152-154 and 159.6).

For both in-country and intercountry adoption, the technical bodies for adoption (The Ministry of Social Welfare) and the family matching committees (The Ministry of Social Welfare and the National Council for Childhood and Adolescence) are active at the local level (Art. 167 and 170). The Code envisages that "matching"(which it calls assignation) is carried out by the family matching committee in such a way that the latter assigns an adequate family to a child identified on the basis of the child's needs, characteristics and temperament (Art.172). After "matching" comes the committee's forging of an initial link between the child and the prospective adopters. Prior to the establishment of this link and so as to be able to assume that role, the child and the future adoptive family receive an adequate preparation. (Art.174)

Among the conditions for *intercountry adoption*, the Code requires the existence of a treaty or an international convention on adoption between Ecuador and the receiving country, or failing that, the existence of an international convention between Ecuador and an accredited organisation by the receiving country. In both cases, the receiving country must respect the Convention on the Rights of the Child of 1989 and the THC 1993 (Art.182).

The new Code makes no mention of the activity of a Central Authority. According to the website of The Hague Conference on Private International Law, updated on 15 May 2003, the Central Authority of Ecuador is supposed to be the National Court of Minors. In practice, Ecuador appears to be, for the time being, without a Central Authority, and the Department for Adoptions in the Ministry of Social Welfare, discharges certain functions of a Central Authority. Moreover the Code specifies that *intercountry adoption* will only be implemented by the bodies created expressly and exclusively for that purpose, and makes mention of the general obligations that these bodies must fulfil. (Art.181 and 187).

At present, in the *absence of rules governing the application* of the new Code, in-country and intercountry adoption procedures are *paralysed*. The National Council for Childhood and Adolescence, the body responsible for the policies governing childhood, should come into being in November 2003, designate the Central Authority and contribute to setting up the matching committees.

To implement the Code in conformity with the rights of the child, the IRC/ISS *recommends* that the future rules governing its application should identify psycho-social work in support of the family of origin and determine a lasting family life plan for the child deprived of parental care (if necessary by means of a declaration of adoptability), in controlling the adoptive eligibility of parents, the matching, in preparing the child and the adopters and in setting up an initial link between them (modalities, follow-up and duration). The rules governing the application of the Code will also have to identify who will be the Central Authority and what will be its functions, and establish a system of accreditation and supervision of the bodies active in intercountry adoptions.

Sources: IBD-IRC/ISS Mission in Ecuador, September 2002; Network for childhood and the family /IRC Ecuador; Ivan Alberto Racines; Professor F.Simon – Trade, January 2003; The Hague Conference on Private International Law (see above).

- **Latvia** : Latvia opened up to intercountry adoption in 1992. The United Nations Committee on the Rights of the Child, in its report of 21 February 2001, recommended to Latvia: the enactment of new legislation on questions of adoption, with a view to simplifying and speeding up the procedures; taking measures to facilitate the creation of a system of placement in foster families, coupled with sufficient financial support; and the pursuit of the ratification process of the THC of 1993. ([http://193.194.138.190/tbs/doc.nsf/\(Symbol\)/d4ed822966f0269ec12569ee00312694?Opendocument](http://193.194.138.190/tbs/doc.nsf/(Symbol)/d4ed822966f0269ec12569ee00312694?Opendocument)). Latvia ratified the THC on 19 August 2002 and adopted new internal legislative measures in matters of adoption. Articles 162 to 176 of the Civil Code (not available at the IRC/ISS) were amended and came into force on 1 January 2003, and regulation no.111 of the Council of Ministers was adopted on 11 March 2003 (this regulation, commented on below, abrogated regulation no. 315 of 6 August 1996; it is available in English at the IRC/ISS).

Moreover the Central Authority of Latvia, that is to say the "Secretariat" of the Ministry for Special Assignments for Children and Family Affairs, has asked the IRC/ISS to inform receiving countries of its interest in requests for intercountry adoption of *children between the ages of 6 and 18*. Moreover, the number of foreign applicants wishing to adopt young children presently seems to exceed the needs.

The adoption practised in Latvia is *full* (terminating the legal parent-child relationship between the child and the family of origin and the creation of a full legal parent-child relationship between the child and the adoptive family) and *revocable*. The *principle of subsidiarity of intercountry adoption* is addressed in article 40 of the regulations. An *adoptable child* must be an orphan or a child whose parents or legal representatives have freely consented to the adoption, or a child whose parents have been stripped of parental authority; the practice of preventive psycho-social work with the family of origin with a view to their maintaining or possibly renewing links with the child (principle of subsidiarity of adoption) is not developed in the regulations. From the age of 12 onwards, the consent of the child is required (Art.4-11). With the exception of cases of intra-family adoption, only children already in a foster family or in an institution, and for whom it has been impossible to find a substitute family in Latvia, may benefit from an intercountry adoption (Art.40). If the legal adoptability of the child is dealt with in the regulations, this is not the case for his/her psycho-social adoptability (psycho-medico-social study) nor preparation, which are not mentioned at all.

Applicants for in-country adoption are subjected to an « examination » by the Children's Court, an examination which lasts a minimum of six months; the Court may have recourse to the use of experts, if it considers it necessary (Art. 18 and 19). In the case of intercountry adoption, this examination is left to the competent institutions in the receiving countries and the results must be communicated to the Latvian Central Authority (Art. 42), which checks the respect for its national laws (Art. 45-47). There is no provision for the preparation of Latvian applicants or foreigners.

The Latvian Central Authority, however, keeps a register of adoptable children. According to the regulations, « if the adopter (Latvian or foreigner) has chosen a child on the basis of information received from the Central Authority, the latter will provide them with an authorisation to make contact with the child » (Art. 21 et 47). The IRC/ISS recalls in this regard that the possibility for prospective adopters, either nationals or foreigners, to « choose » a child does not correspond with its ethics and carries considerable risks in terms of the rights of the child. The matching of a child with a family must be a professional decision, taken preferably by an interdisciplinary team and by determining the most appropriate family for a child, in terms of the needs and characteristics of the latter. In the practice of intercountry adoption at least, this matching is done by the Latvian Central Authority, which informs the adopters and authorises them to meet the child in the institution where he/she is staying.

The length of the probationary placement (not to exceed 6 months; in practice between one week and one month according to the MAI), as well as the provisional place of residence in Latvia in the case of intercountry adoptions, are decided by the Children's Court, which supervises the placement (examination of the relations between the adopter and the child, capacity of the adopters and supervision of the child) (Art. 25, 30, 31, 50 et 55). An intercountry adoption is pronounced by a court on the basis of an opinion from the Children's Court, from the Central Authority and from the Ministry of Justice (Art. 34 et 36 et 56 à 60). For in-country adoptions, the regulations envisage a post-adoption follow-up for 2 years, overseen by the Children's Court (Art. 39). This measure is not specified for intercountry adoptions; nonetheless, in practice, according to the MAI and the French Association of Adoptive Parents and Childhood and Family of Adoption, the Latvian Central Authority considers follow-up reports desirable.

Sources : Latvian Central Authority ; United Nations Committee for the Rights of the Child : <http://www.unhcr.ch/html/menu2/6/crc/> ; The IRC/ISS Ethics Guide, point 2.c, http://www.iss-ssi.org/Resource_Centre/Tronc_DI/practices_IRC.PDF ; MAI ; US Department of State : Childhood and Family of Adoption – France.

- **Thailand :** The « Directives for the intercountry adoption of Thai children » were updated in March 2003 by the Thai Central Authority (Department of Social Development and Welfare - DSDW; see Bulletin n° 55). These directives apply to the Law on adoption of 1979 (B.E. 2522) and the ministerial decree - volume 9 (B.E. 2543), and include in annex a « List of documents required of prospective adopters » and a « application form ». All these documents are available at the IRC/ISS in English. As a reminder, future adopters must send their adoption file through the Competent Authority of their country and the DSDW. Moreover, the directives underline that both future parents present themselves in order to qualify for the placement of a child in their care. It is also important to remember that the DSDW is not accepting new requests from foreign adopters in 2003, except for the adoption of children « with special needs » (Bulletin n° 52). Sources : ISS-Germany; MAI; US Department of State; Department of Health of the United Kingdom; Secretariat for intercountry adoption of Quebec : <http://www.msss.gouv.qc.ca/adoption/fr/index.html>; and the Irish Adoption Board : <http://www.adoptionboard.ie/>.

Interdisciplinary Resources

- **De-institutionalisation:** The Swiss Foundation of International Social Service, together with the International Institute for the Rights of the Child (Sion, Switzerland), organized a training and action programme of Trans-National Social Work (Module II) which took place in Borovets, Bulgaria from 2-5 September 2003. The seminar, hosted by ISS Bulgaria, addressed *Children's Rights, Ethics and De-institutionalization* and brought together both governmental and non-governmental experts from 8 countries and provinces in Central and Eastern Europe (Albania, Belarus, Bosnia Herzegovina, Bulgaria, Kosovo, Poland, Serbia and Montenegro and Romania). The main objectives of the seminar were to develop a trans-national network in the de-institutionalization field and at the same time create a forum for the profitable exchanges of professionals within the region, together with the establishment

of an ethical code. Four main issues were addressed in relation to de-institutionalisation: Prevention of institutionalization; Quality Care in institutions; Preparation of and Aftercare services for Children Leaving Institutional Care; and Alternative Care to institutionalization (including reintegration into the family environment, extended family and foster placement and national and international adoption). In conclusion the participants worked on proposals for a *Code of Ethics* to embody the standards of practice expected of all those implicated in the care of the child, in accordance with the Convention on the Rights of the Child. Among these recommendations the participants highlighted the importance of the rights of the children and their families to information, privacy and participation in all decisions, together with the transparency of, and collaboration between, all those professionals involved. Contact: ISS-Switzerland, ssi@ssiss.ch. Part of the reports (Module I – Children's Rights and international adoption, 17-22 June 2002 - & II) will soon be available on the web address: www.ssiss.ch.

- **Desire for a child/ western countries:** Edition 107/2003 of the French magazine *Informations sociales* analyses the desire for a child, taking into particular account the evolution of methods of procreation (i.e. medically assisted), the age of arrival at parenthood, types of families, etc. Questions that touch on fundamental values at the base of society. Certain problematic pregnancies, for example those of adolescents, need specific psycho-social support. Moreover, because of the contemporary strength of the desire for a child, very few couples (1%) remain childless voluntarily; and unmarried people claim more and more the right to raise a child. Consequently, the number of people wishing to adopt is increasing. Adoption, however, enshrines the possibility of giving a family to a child in need of one, and not a claimed « right » of an adult to a child. The best interests of the child should prevail over the desires of adults. Thus, the Quebec Service (Canada) for the Protection of the Child proposes to certain prospective adopters to postpone their plan and offer right away a family (fostering) to a child in distress, without knowing if he/she will become legally adoptable; this institution is known as « mixed bank ». Contact: *Informations sociales*, Caisse nationale des allocations familiales, 23, rue Daviel, 75634 Paris Cedex 13 ; tél. : + 33 1 4565 5252.

Forthcoming Conferences, Seminars, Symposia and Courses

- **France :** a) In the Maghreb, *psychopathological expressions of the child, the adolescent, the family*, S. Gorge (psychologist, course director at the University of Paris XVIII and therapist in ethnopsychiatry), Paris, 1-3 December 2003. For professionals in children's questions and the family, particularly under conditions of ancient and/or recent migration. Themes broached: the family structures and family links, cultural representations, caring provisions in the culture of origin and the modalities for prevention and care in receiving countries; b) *Adoption of children coming from abroad*, O. Ozoux-Teffaine (psychologist and psychoanalyst, author of several works on adoption) and S. Nabinger (adviser to the Children's Judge of Porto Alegre – Brazil), two identical training courses in partnership with MAI, 26-30 January and 24-28 May 2004. For medico-psycho-social staff active in matters of adoption; c) *The psychological and social problems of childhood and adolescence: Training and teaching: Programme 2004*, Copes, Paris. Areas of intervention: Children and families with multiple problems, in precariousness and in dysfunction ; adolescence ; legal parent-child relationship, parenthood, kinship ; adoption and other forms of legal parent-child relationships ; separations, deficiencies, placements, belonging . Contact: COPES, 20 rue de Dantzig, 75015 Paris; tél. : +33 1 53 68 93 40 ; fax. : +33 1 53 68 93 45 ; copes-formation@wanadoo.fr; www.lecopes.com.
- **Switzerland :** *Impulse für das Pflegekinder- und Adoptionswesen* (Programme of training and seminars on children in foster care and in adoption), Pflegekinder-Aktion Schweiz/Schweizerische Fachstelle für Adoption, Zürich, 2004. Contents: development of the child, psychological difficulties, puberty and adolescence, search for origins..... For educational qualified staff and (future) adoptive/foster parents. Contact : Pflegekinder-Aktion Schweiz, Bildung für Pflegeeltern, Bederstrasse 105 a, 8002 Zürich; tél.: 01 205 50 40; fax: 01 205 50 45; administration@pflegekinder.ch; www.pflegekinder.ch/

US Department of State: <http://www.travel.state.gov/adopt.html>; Department of Health of the United Kingdom : <http://www.doh.gov.uk/adoption/intercountry/index.htm>; MAI – Mission for Intercountry Adoption – France : http://www.diplomatie.fr/MAI/ind_last.html; Enfance et famille d'adoption – France : http://www.adoptionefa.com/partie_publicue/indexint.htm.